IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 957 OF 2007
WITH
WRIT PETITION NO. 584 OF 2007

MISC. CIVIL APPLICATION NO. 957 OF 2007

Smt. Clotildes Fernandes .... Applicant
V/s
Mr. Ranjit Satardekar .... Respondent

Mr. A.D. Bhobe, Advocate for the Applicant.
Mr. A.F. Diniz, Advocate for the Respondent.

WRIT PETITION NO. 584 OF 2007

Shri Ranjit Satardekar .... Petitioner
V/s
Shri Joe Mathias .... Respondent

Mr. A.F. Diniz, Advocate for the Petitioner.
Mr. A.N. S. Nadkarni, Advocate for the Respondent.

CORAM : N.A. BRITTO, J.

DATE : 13th DECEMBER, 2007

ORAL ORDER :

Challenge in this Writ Petition is against the order dated 26/11/2007 of the learned Administrative Tribunal refusing to stay the order of the Additional Collector granting conversion to property surveyed under 249/1-A which has been alloted to Respondent No.1 by Chart of Partition dated 18/08/2006, which has been assailed in First Appeal No. 289/2006 which is pending before this Court.

2. After hearing the matter for sometime, Shri Nadkarni, the learned Counsel on behalf of Respondent No.1 has fairly conceded that Respondent No.1 will only continue with the work of construction already started in respect of building no.1, at his own risk, pending the hearing and final disposal of the appeal, pending before the Administrative Tribunal. The said building has been identified on the plan, a copy of which is placed on record. Learned Advocate has further stated that Respondent No.1 though will continue with the work of construction in respect of the said building no.1, shall not create third party rights in respect of the said building or any portion of the property, till the disposal of the said appeal before the Administrative Tribunal. The statements are accepted, which are made without prejudice to the rights and contentions of Respondent No.1, which may be raised in the said appeal.

3. Writ Petition is disposed of on the above terms with a further direction to the learned Administrative Tribunal to dispose of Appeal No. 75/2007 as expeditiously as possible and in any event within a period of two months. Counsel to appear before the learned Administrative Tribunal on 17th instant at 10.30 a.m.

N.A. BRITTO, J.

NH/-